



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

Planning - Zoning - Economic Development - Conservation

## **MEMORANDUM**

**Date:** May 14, 2015

**To:** Robert Best, Chairman, & Members, Planning Board

**From:** Jillian M. Harris, AICP, Planning & Zoning Administrator

**Subject:** **526 DW LLC. (applicant/owner)** – Review for acceptance and consideration of Final Approval for a site plan to construct a 44,000 s.f. commercial storage building located at 526 DW Highway in the C-2 (Commercial) and Aquifer Conservation Districts, Wellhead Protection Area, and 100-year and 500-year Flood Hazard Areas. Tax Map 5D-2, Lot 001.

**Background:** The subject property is an 8.353 acre parcel located at 526 DW Highway in the C-2 (General Commercial) District and Elderly, Aquifer Conservation, and Wellhead Protection Overlay Districts. The property is serviced by public water (MVD) and sewer. The site is abutted by commercial property to the east, Eversource (PSNH) property to the west, commercial and multi-family residential to the south, and the FE Everett Turnpike to the north.

The property is currently the site of Vault Motor Storage (formerly Zylas) and the project proposes a 44,000 s.f. building located in the back of the lot for additional storage of vehicles, boats and RV's (same as the existing buildings). The proposed building will be serviced with municipal water and sewer. Stormwater will be directed with a combination of open and closed drainage to one infiltration pond located in the back of the site.

The Board may wish to discuss traffic generation, traffic circulation within the site, driveway and access way width, landscaping and buffers, special events planned for the site on an ongoing basis (farmers market, cruise night, etc.) and necessary utility easements with the applicant.

The town's peer review consultant has not yet been authorized to review the proposal due to lack of escrow, therefore the Board may wish to continue the discussion to a future meeting in order for those comments to be included in the decision, as applicable.

**Completeness:** Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

**Waivers:** The applicant is requesting a waiver to Section 7.05(D)(19), requiring the provision of a sidewalk or paved pedestrian way. The applicant states "We request to provide an easement along the frontage but due to the fact that most of the frontage is paved to the property line provide the required easement and not construct the walkway."

**Recommendation:** Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **or**

- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

**The planning staff recommends that the Board continue the application to the June 2, 2015 Planning Board meeting as the town's peer review consultant has not yet reviewed the proposal, nor has escrow been received to authorize that review at the time of the writing of this memo.**

**Should the Board disagree with staff and opt to grant conditional final approval to the application, staff recommends the following precedent conditions be utilized to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
3. The applicant shall indicate any proposed easements on the plan, as applicable, including utility and sidewalk easements. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);
4. The applicant shall provide the required escrow for peer review, and shall address all applicable forthcoming comments from the Town's peer review consultant, CLD;
5. The applicant shall address any forthcoming comments from the Public Works Department (as applicable);
6. The applicant shall address the following comments from MVD:
  - a. Fire and domestic services must be separate unless the Fire Department requires a hydrant near the new building;
  - b. No de-icing compounds to be used on site.
7. The applicant shall address the following comments from the Conservation Commission, as applicable:
  - a. The Commission requests the applicant uses a NH Green SnoPro certified contractor(s) on their site to limit any use of salt or de-icing compounds on the site;
  - b. The Commission recommends that only low phosphate, slow release nitrogen fertilizers be used as part of this project and in the future at the entire site. The Commission further recommends that the applicant's contractor considers utilizing a soil testing facility to determine what levels and applications rates may be necessary before doing any application of fertilizes on the site and then later for regular maintenance of the landscaping;
  - c. The Commission requests that all references of the use of hay on the plans be removed and replaced with straw;
  - d. The Commission also requests that the Planning Department, Planning Board, and CLD do their normal review of the final Storm Water Management Plan to ensure storm

events are adequately handled on site and would not overwhelm the proposed storm water devices being proposed. The Commission would like to see a copy of the final report once available.

8. The applicant shall address the following planning staff technical comments:

- a. Please address the following relative to the Master Site Plan, Sheet 1 of 10:
  - i. Please add the following statement to sheet 1 per Section 4.06.1.k of the Subdivision Regulations: "The Subdivision Regulations of the Town of Merrimack are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only variances or modifications made in writing by the Board or any variances granted by the Zoning Board of Adjustment and attached hereto";
  - ii. Applicant to include the following statement that references the Stormwater Management Ordinance: "This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 167 of the Town's code of ordinances). A Pre-construction meeting with the Town of Merrimack Community Development Department and Public Works Department shall take place at least two weeks prior to commencement of disturbance in accordance with Chapter 167 of the Stormwater Management Standards adopted by the Town of Merrimack Town Council on July 21, 2011";
  - iii. Please remove note #8 and include Flood Hazard Conservation Zoning in note #4;
  - iv. Please add the following to note #9: "See December 18, 2013 Decision of the ZBA, Case #2013-36";
  - v. Please add "Merrimack Village District" water and "municipal" sewer to note #10;
  - vi. Please revise the parking calculations in note #11 to be consistent with the requirements for "storage, self serve" as 1 per 10 storage units plus 1 per employee;
  - vii. Please show existing parking spaces for the current building on sheet 1;
- b. The applicant shall include locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;
- c. The applicant has not provided information regarding the traffic generation for the site. The applicant shall address any traffic comments prepared by our peer review consultant as applicable;
- d. Please provide appropriate landscaping plan details in the plan set as required by the regulations (Section 10.01); or request a waiver as necessary. The applicant should add a note regarding the appropriate buffers (indicating that the buffers are Type C for the NW lot line based on abutting land uses) from Section 10.01.4 of the regulations;
- e. Please provide appropriate lighting plan details in the plan set as required by the regulations (Section 11.04); or request a waiver as necessary;

- f. Please indicate the dimensions of the proposed wall signage shown on the building elevations sheet to ensure compliance with Zoning Ordinance requirements.

**Staff also recommends that the following general and subsequent conditions be placed on the approval:**

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. All proposed easements and any applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy.

Cc: File  
Correspondence  
526 DW LLC, Applicant/Owner  
Eric Mitchell & Associates, LLS

Ec: RJB Engineering, PE  
Fire Captain John Manuele  
Kyle Fox, Deputy Director of Public Works/Town Engineer  
Ken Conaty & Jim Tayler, Wastewater Division  
Tim Tenhave, Conservation Commission Chair  
Heidi Marshall & Paul Konieczka, CLD Consulting Engineers  
Building Official Fred Kelley  
Carol Miner, Building Department